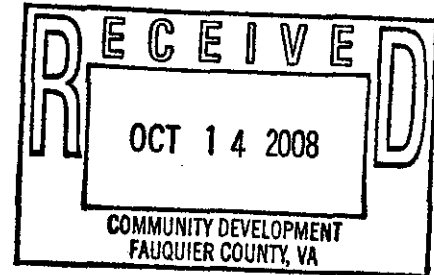


ATTACHMENT 8

Jessie Doyle
9215 Green Road
Warrenton, Virginia 20187

September 16, 2008

Fauquier County Planning Commission
10 Hotel Street, Suite 305
Warrenton, Virginia 20186



To Whom It May Concern:

I am writing you today in reference to the proposed installation of fire and police training facilities in our community. I feel that the tax paying citizens of Fauquier County have been done a great injustice by the Planning Commission. To suggest the placement of an outdoor firing range, three-story burn building, fire training facilities, maze trailers, vehicle crash area, haz-mat training facility, classrooms, above ground water storage tanks and whatever else the County desires, so close to residences is not only outrageous, it is irresponsible. These are facilities clearly better suited to an industrial area, not an agriculturally zoned space.

The Planning Commission is required to provide land owners with property adjoining the proposed site with notification of the proposal. This process has been laughable. The initial notification of two sheets of paper may have satisfied the notification requirement, but the information was purposefully vague and misleading. For instance, the notice failed to mention that an outdoor firing range was being considered on the site: this is no small detail. The notices were also not sent to all of those who would be impacted by these facilities. The posted County notice boards were only three in number and spanned only a five hundred foot area. The few newspaper notifications were misleading and not easily visible. I believe that the attempts by the County to notify the public were intentionally minimal to ensure minimal resistance to the project.

In response to criticism about the notifications, it is my understanding that the Commission has now notified at least 140 households within a one mile radius of the proposed changes. Clearly these citizens should have been included in the initial notice. Those most recently notified are at the disadvantage of having missed out on the early discussions and understandably have many questions about the project. They have not had the benefit of prior meeting attendance,

time to have their questions answered or the opportunity to thoroughly review the proposal and its possible impact. The citizens within the one mile radius have not been given equal time to mobilize and make their wishes known. The Planning Commission and Board of Supervisors clearly have the upper hand.

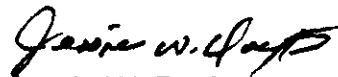
When I attended the last meeting and was made aware that the County has already purchased the land, it became clear that this is a done deal and that the County is simply going through the motions to fulfill its legal obligations. Regardless of the wishes of the tax payers, it seems that it is the intent of the Board of Supervisors and the Planning Commission is to push this project through to reality. I doubt that this is the kind of democracy our forefathers fought to create and protect.

A project of this magnitude will directly influence the lifestyles of those residing on Green Road, Beach Road, Meetze Road and parts of Route 29 South. The affects will be far reaching and will include; increased noise and traffic (the noise from a shooting range alone should be enough to stop the project) and environmental issues, such as, land contamination from the lead contained in the ammunition, wildlife will suffer from loss of habitat and noise, smoke from the training burns will permeate the air, drainage will be negatively affected and there will most definitely be a decrease in already struggling property values. In short, this plan is bad for the peaceful enjoyment of our homes, bad for the environment and bad for the citizens of Fauquier County.

I encourage you to allow the citizens of the areas outlined above the opportunity to vote on this project during the September 25, 2008 meeting. I assure you that the opinion will overwhelmingly and wholeheartedly be against this project. The County should be held to the same zoning standards as its citizens.

As you know, the plan for adding these training facilities does not meet the prescribed zoning requirements set in place and I implore you to hear the tax paying citizens of Fauquier County and vote to deny the installation of these facilities.

Respectfully,

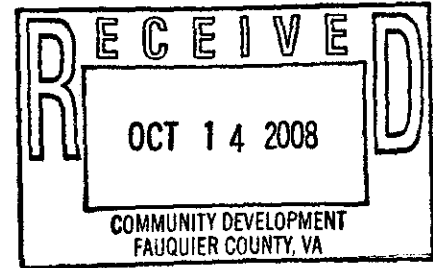

Jessie W. Doyle

cc: Chester Stribling, Chairman of the Board of Supervisors
Bob McDonnell, Attorney General of Virginia
L. Scott Lingamfelter, Virginia Delegate
Jill Holtzman, Virginia State Senator
Editor, Fauquier Democrat

Jessie Doyle
9215 Green Road
Warrenton, Virginia 20187

October 12, 2008

Fauquier County Board of Supervisors
Warren Green Building
10 Hotel Street
Suite 208
Warrenton, VA 20186



Dear Ladies and Gentleman of the Board:

I am writing you today to voice my strong displeasure with the current proposal to build fire and police training facilities in an area of the County presently zoned for agricultural use.

Not only is the proposed location ridiculous for these facilities, the Planning Commission has trampled the constitutional rights of the residents who own property adjacent to the proposed location and maybe those of the whole county. The preamble of the United States Constitution states,

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution of the United States of America."

The establishment of these training facilities in the proposed location will do nothing to help establish justice or provide for the common defense, but will most definitely negatively affect the tranquility and general welfare of those who own property in the vicinity of the site, as well as a potentially negative influence on the health of everyone in the county, to include dangers that could be deadly.

The Planning Commission has done nothing to quell the concerns of those of us residing near the proposed facilities and has, in fact, handled the entire process in a manner that seems to clearly state, "We have the power to do what we want and will afford you only the minimum consideration required by law." This attitude has been evident in the way that they intentionally mismanaged the notification process, the deliberate shortening of the timeline for those residents with questions and opposition to seek answers, the efforts taken to conceal from the citizens that the land for this project had already been purchased by the County before the first meeting and the lack of answers they provided. I have documented the Commissions failings on notification and affording adequate time for resident rebuttal in my letter to the Commission dated September 16, 2008. A copy of this letter is enclosed for your review.

Since that letter was written the Planning Commission held a special meeting on September 17, 2008 for those who were interested to learn more about the proposal. The Commission's disrespect for its citizens was again on display for all to see. The cartoon sketches that they have presented as drawings for the project were laughable to say the least. As for the question and answer portion of the meeting; I asked each member to answer the same three questions and got no solid answers. The questions I asked were:

- How is the training facility going to lend itself to the peace and tranquility of my home? Sheriff Charlie Fox had the only answer with any truth-he said, "I honestly don't know."
- How is this monstrous facility going to improve my property value? No encouraging answers there!
- I asked for a public vote at the September 25th meeting so that the Planning Commission can see how we feel about this "done deal". I was told by Mr. Stone that this was not possible, and that he

would be voting in favor of the Fauquier County Training Facility in the proposed location. Mr. Stone should be ashamed of this statement! He made it clear that he had already made up his mind and how he would cast his vote, despite his awareness that many of the constituents he was elected to represent had concerns that had not been addressed and questions that had not been answered.

In this meeting one of Mr. Stone's advisors also acknowledged that some County personnel have known about these plans for over one year, maybe as long as two years. Yet they waited until the eleventh hour, after purchasing the land, to reveal their intentions to the public. This is a travesty of justice and if this is not handled by the Board of Supervisors, it needs to be addressed at the State level.

After resistance by residents, the Planning Commission arranged a tour of the proposed site to show those interested exactly where the facilities are to be placed. This tour was held on September 22, 2008 and was worthless. The presentation was disorganized and the marking of the facilities was limited ribbons tied around a few trees. We were told that this was to simulate the open air firing range. Unless you have a disturbingly vivid imagination, there was no way to visualize the size of the firing range, let alone the outline for the entire project. I have worked in the building construction and maintenance industry for more than 40 years and even I couldn't make heads or tails of the site!

At the September 25, 2008 Planning Commission meeting the Commission voted 2 in favor of moving the proposals forward and, based on feedback from the citizens, 3 voted to delay the final recommendation to the Board of Supervisors for thirty days. They did not provide a specific date for the vote, other than to say that it would be in October. It feels as if it is only a brief stay of execution, since on every level this is still perceived as a done deal.

To refer back to an earlier complaint, Mr. Stone added insult to injury, when at the September 25th meeting he cast his vote FIRST, which signaled to the others on the Commission that his district-the one most affected- supported the action, thus encouraging others to vote in favor of the proposal. This is reprehensible and worthy of recall action!

By its own definition, it is the duty of the Planning Commission to provide recommendations to the Board of Supervisors for special exceptions, rezonings, Comprehensive Plan amendments and on other related land development issues. The Planning Commission also updates the Comprehensive Plan on a periodic basis and prepares text amendment changes to the Zoning and Subdivision Ordinances upon its own initiative or Board of Supervisors direction. I would submit that these are not their only official duties, as it is also imperative that the above actions be handled within the confines of that law and in a professional and ethical manner that does not infringe on the constitutional rights of their constituents. The actions of the Planning Commission in this process have made many citizens question whether or not they are fulfilling these duties. For example, amidst citizen protest, in the meeting on September 25th Mr. Meadows of the Planning Commission challenged those residents against the proposal to find free land for this project in Fauquier County. He even admitted that this was an impossible task; perhaps a wild goose chase is a better description. This is a county funded project; therefore, finding a suitable location is *not* the responsibility of the residents, but of the Planning Commission. This was a clear tactic to remove this burden from the Commission and place it squarely on the shoulders of the taxpaying citizens of Fauquier County. The Commission can not defer their responsibilities to the residents, or anyone else for that matter, and to try to do so is despicable. I assure you that I will not be so easily distracted, nor will I do a job that members of the Commission were elected and are paid to do! The county's inability to find an alternative site does not justify putting it on Green Road. Based on current code, it is illegal to build these facilities on Green Road. That said, just to show what a team player I am, I offer the following public plea: if anyone has any land they would like to donate to Fauquier County for a fire training building, classrooms, haz-mat training site, crash area, 20,000 gallon above ground water tank, storm water collection ponds and an open air, blue sky paradise shooting range-please contact me or Jim Stone immediately! Now is the time to come forward for the benefit of your county and state! Needless to say, I won't be holding my breath.

I wonder if any of those on the Planning Commission live in the areas that will be most affected by the installation of these training facilities, to include outdoor firing range, burn buildings and haz-mat training. I am confident I already know the answer to that question. If any of them lived in this area, this proposal

would have died a long time ago. It is a shame that not all citizens of the County are afforded the luxury of having a direct say in what happens in their back yard. Especially when it is counter to the stated purpose of the zoning area.

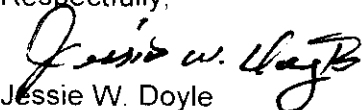
I would like to go on record as stating that the citizens of Fauquier County, the law enforcement officers, Fire Department and EMT's deserve a whole lot better than what is being proposed. We deserve real answers, real drawings and real consideration. To put these heroic first responders at the back of a smelly landfill with thousands of tons of rotting garbage, with highly explosive methane gas and many other harmful materials, such as possible friable airborne asbestos (which can cause asbestosis-a chronic lung inflammation often leading to cancer) is an injustice. They deserve a clean area where they can perform their training in comfort instead of being constantly concerned with the amount of noise being generated, how much smoke is being generated and the smell of rotting trash in the background. The citizens deserve the peaceful enjoyment of their homes. There is a reason why all surrounding counties have these facilities in large industrial areas; this reason is simple-respect. They respect their first responders and they respect their citizens. I am shocked, saddened and truly disappointed that Fauquier County does not regard its residents and first responders in the same high esteem. This facility has far reaching implications and the management of the project thus far seems to border on criminal negligence.

In closing, all the members of the planning commission well as the Board of Supervisors should not simply accept what they are being told by a few county employees; they should do some first hand research regarding the points the citizens are raising. I have gathered a lot of information and gotten a lot of facts together on my own during this process; however, the Planning Commission has not provided answers to some of the most basic questions concerned citizens have asked. To remedy this injustice I will soon be forwarding a list of questions to the Board of Supervisors and Planning Commission. These will be presented under the Federal Freedom of Information Act; therefore, thorough and factual answers within the legally prescribed timeline will be expected. I intend to continue my fact gathering mission so that I can provide those interested with the most information possible, despite my belief that it is a foregone conclusion to all involved that this is a done deal.

Please know that even though this project is likely to be delivered despite the wishes of the people and the projects questionable legalities, everyone will recognize that it is wrapped in a package of shame. But rest assured, those of us dedicated to the principles on which our country was founded will not lie down and die: we will continue to fight the good fight.

Thank you for your time and consideration.

Respectfully,


Jessie W. Doyle

cc: Fauquier County Planning Commission, All Members
Jill Holtzman, Virginia State Senator
Scott Lingamfelter, Virginia Delegate
Paul McCulla, County Administrator
Charlie Fox, Fauquier County Sheriff
Phil Myers, Fauquier County Fire Chief
Tim Kaine, Governor of Virginia
Bill Bolling, Lt. Governor of Virginia
Bob McDonnell, Attorney General of Virginia

Editor, Fauquier Democrat
Editor, Washington Post
Editor, Richmond Times
Tomcat Reeder, WAMU 88.5fm
Ross McLaughlin, WJLA-TV

enc.

Kellert, Rebecca

From: Meade, Holly
Sent: Thursday, October 09, 2008 8:22 AM
To: Kellert, Rebecca
Subject: FW: Query regarding open air firing range and fire training center on Green Road

From: Marcia Whitmore [mailto:mwhitmore@earthlink.net]
Sent: Sunday, October 05, 2008 4:00 PM
To: Meade, Holly; mwhitmore@earthlink.net
Subject: FW: Query regarding open air firing range and fire training center on Green Road

FYI. Can you make sure Mr. Graham got this email? Thanks. Marcia

From: Marcia Whitmore [mailto:mwhitmore@earthlink.net]
Sent: Sunday, October 05, 2008 3:42 PM
To: ray.graham@fauquiercounty.gov
Cc: 'Marcia Whitmore'; mwhitmore@earthlink.net
Subject: Query regarding open air firing range and fire training center on Green Road

Mr. Graham,

In looking through county records, I see numerous letters from you against a previous open-air firing range, Range 82, on behalf of your constituents. However, I am not aware of your having a public position on the Green Road proposed site, which seems to have far fewer constraints placed on it by the county.

(1) Can you give me your point of view on this particular site and if you are aware of the concerns of many of your constituents regarding this location? I am aware that the site is to be used to train police officers; however, Range 82 was to serve a similar purpose and allowed for free training hours of county police.

(2) I would also like to know if you believe that the old fire training center poses considerably greater issues than the currently proposed site, which is also near known old landfills and, in fact, would be on land condemned due to contamination, without an obvious source of a requisite clean water supply.

(3) Can you explain why a one million dollar figure is attached to this joint project, without specific cost projections for necessary infrastructure across budget years being detailed for the public? It seems to me that this going to be a much costlier project, with definite maintenance requirements.

(4) Can you give me your thoughts on an indoor range? It also seems to me that an indoor range could be planned and prioritized along with other multi-million dollar sheriff department projects over the course of the next few years, and that such a range would be more consistent with any site that is within earshot of residences and would allow police officers to practice and quality off hours, since the hours of operation might be longer than an open-air range would allow.

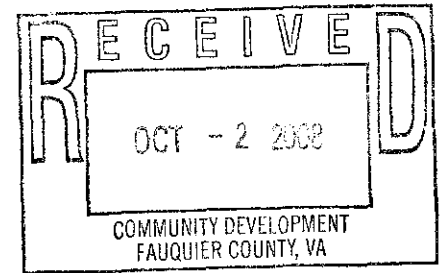
(5) Can you also let me know to what extent a tri-county search was considered, as there are no records of any alternative site considerations in the files, except for a nearby site at the current landfill, which is mentioned in the very expensive Teng Report from circa 2005. Even in recently presented materials, no non-county owned sites were mentioned, and analysis consisted of a bullet list, with a modicum of verbal "explanation." On the other hand, there are memoranda of understanding from Rappahannock and Culpeper counties attached to the fire department's grant, which names a property at that time owned by a private citizen.

(6) Last, I know that you have expressed concerns to those living within a mile of the landfill about the odd smells that are sometimes pervasive (for example, yesterday and last Sunday). So far, we have not had those smells identified for us. Do you know what they are?

Thank you in advance for your time, attention, and thorough response to these six questions from a constituent.

Sincerely,

Marcia Whitmore
8729 Green Road
Warrenton, VA
20187



September 23, 2008

Fauquier County
Department of Community Development
Planning Division
10 Hotel Street, Suite 305
Warrenton, Virginia 20186

To Whom It May Concern:

SUBJECT: Proposed Fire/Rescue Training Site and Outdoor Shooting Range

Lord Fairfax Community College and The Virginia Community College System wish to express concern about the location of the above proposed training site and to respectfully request that the County ensure that all applicable safety considerations are evaluated and required in the development of this site. The Fauquier Campus of the Lord Fairfax Community College is in close proximity, approximately one mile, to the proposed location of this site.

As understood from the September 17, 2008 public information meeting presentation, discussion, and hand-outs, which was attended by Kathleen Johnson, vice president for financial and administrative services, and Cindy Bambara, vice president for student success and chief administrator of the Fauquier Campus, use of the facility is expected from 7:30 a.m. to 9:00 p.m. These hours coincide with the highest hours of usage for regular classes at the campus.

Specifically, potential impact on the College may include:

- Stray rounds or bullets from the shooting range
- Noise and reverberation from the shooting range
- Student distress caused by the proximity of the site

Recent events such as the Virginia Tech tragedy have heightened our students', staff and visitors' awareness about personal safety. The possibility that the campus might be subject to stray bullets and persistent noise from the shooting range could negatively impact the overall perception of safety at campus facilities. An enclosed facility that would offer a higher level of safety and noise reduction could effectively mitigate our concerns.

Fauquier County
Department of Community Development
Planning Division
September 23, 2008
Page 2

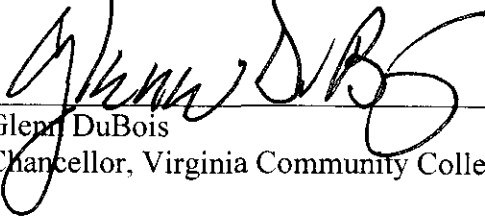
Lord Fairfax Community College is pleased to serve Fauquier County and appreciates the on-going support for College programs that is demonstrated by the County. We support the County in its efforts to improve the training and preparedness of emergency and law enforcement personnel and look forward to future opportunities for partnership in this area.

We are confident that with thorough planning and preparation, this safety center can successfully co-exist with the neighboring community and community partners.

Sincerely,



John Capps
Interim President, Lord Fairfax Community College



Glenn DuBois
Chancellor, Virginia Community College System

8632 Meetze Road
Warrenton, Virginia 20187
September 30, 2008

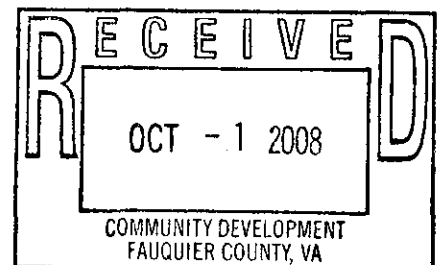
To: Fauquier Planning Commission
Members: Ken Alm, John Meadows
Adrienne Garreau, Ann McCarty

We are writing regarding your proposal to place a shooting range for county employees in a rural/agricultural neighborhood on Green Road.

We live near the corner of Green Road and Meetze Road in an 1899 farmhouse that Dwight Eisenhower slept over in while he was President on a number of occasions. Since moving to Tanglewood Hill in 1992 our lofty location has gradually exposed us to more and more noise pollution. Vulcan Stone was already in operation, and although more than 1 1/2 miles away exposed us to occasional dynamiting days. Then a wedding facility was approved by zoning which increased noise and traffic. Recently the new fairgrounds added more of both for us to bear. Given the increase in development in Bealeton we are seeing more and more traffic, and have difficulty at times exiting our driveway due to this. Additionally, we understand the recreational complex with soccer and play fields was approved, and a great number of cars and noise is bound to follow. Can you blame us for not wanting gun shots added to this mix?

Both of us clearly heard gunshots from our home approximately one mile from the proposed site. Therefore we have some suggestions:

- 1) Explore further moving the shooting range to the completely noisy side of the landfill adjacent to the community college. Given the loud noise of Rt. 29, the constant din of earthmovers and traffic, further noise pollution will be less noticed. (Most of Green Road is remarkably quiet and exempt from the noise pollution problems mentioned above.)
- 2) Explore the construction of a concrete block shelter with ample insulation to create a sound-controlled environment for the gun range. Berms may be much less effective in containing noise.
- 3) Explore the use of zoning the range "Silencer Use Only" with our police officers. Perhaps the owners of local properties could host an annual fundraiser to help pay for the cost of silencers for their guns.
- 4) Finally, please follow-up on all of the concerns raised in the Democrat by Friends



Page 2

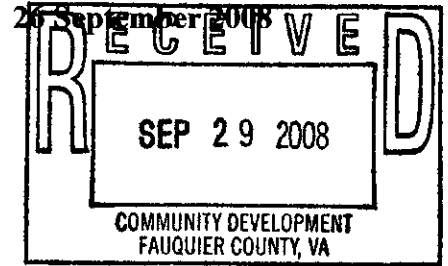
of Green Road. This is one of the most quiet and charming neighborhoods in Eastern Fauquier County.

Sincerely,

Frank J. Hellwig

Peggy Christensen

**Planning Commission C/O Holly L. Meade
Warren Green Building
10 Hotel Street, 3rd Floor
Warrenton, VA 20186**



Ms. Meade,

At the Planning Commission meeting last night, 25 September 2008, I asked a couple questions with respect to the selection of the Green Road site for the Safety Training Center and Outdoor Firing Range and the applicability of some statues in the Fauquier County Zoning Ordinance.

I would very much appreciate hearing from you the answers to those questions. In the past you have been very good at getting around to addressing the questions and concerns raised by myself and my neighbors - - we all very much appreciate your efforts.

In case you were not able to capture on paper my questions I have detailed them below. I would also appreciate it if you passed copies of this letter (along with your answers) to each of the Planning Commission members for their information and consideration.

FAUQUIER COUNTY ZONING ORDINANCE

Article 5 – Administrative Permits, Special Permits and Special Exceptions

Part 11 5-1100 Category 11 Public and Quasi-Public Uses 5-1101 Additional Submission Requirements

.....all applications for category 11 public uses shall be accompanied by a statement by an official or officer of the governmental body who shall be present giving exact reasons for selecting the particular site as the location for the proposed facility, including alternatives considered.

Last night, 25 September 2008, at the Planning Commission meeting, you provided a list of sites in Fauquier County that were reviewed, along with verbal reasons each was rejected in favor of the Green Road site. I believe all of the sites reviewed were County owned - - why didn't the County look at potential suitable private land, especially since the County spent some \$230,000 to buy 9 acres for the Green Road site?

Also, in view of the fact that this proposed Green Road site is to be used by not only personnel from Fauquier County but from Culpeper and Rappahannock Counties, why didn't Fauquier County pursue a joint effort with the other counties to review all possible sites in all three counties? Your justification specifically states "Fauquier County currently has support from Rappahannock, Culpeper" and that "cooperative agreements will be forthcoming" which, in my mind, morally, if not

legally, ties these other two counties to the appropriate site selection for a joint fire training facility.

Why can't a firing range solution be separate from a fire training solution as they are in most jurisdictions? In fact, in looking at your proposed general plan for the Green Road site, the firing range is separately secured from the fire training facilities - - as they should be!

Article 5 – Administrative Permits, Special Permits and Special Exceptions

Part 9 5-904 Additional Standards for Firing Range, Skeet or Trap Shooting Facility (Indoor or Outdoor)

#1 – The minimum lot size requirement shall be fifty (50) acres.

It appears that this Special Exception request should be listed under Category 9 and should be treated the same as any private individual or business submission. According to the Special Exception request submitted by Fauquier County, the property description “on two parcels totaling 25.79 acres” has insufficient land at the Green Road site for both a fire training facility (minimum of 5 acres) and for an outdoor firing range (minimum of 50 acres).

How can you not ask the Board of Supervisors for a Category 9 Special Exception to allow an outdoor shooting range?

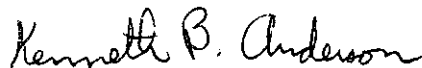
And, according to the ordinance noted below, if there is a conflict in standards between ordinances, the ordinance with the higher requirement is the one to be followed!

Part 4 1-400 Conflicting Ordinances

.....the greater standard or higher requirement.....rules

I thank you in advance for answers to my questions.

Respectfully Submitted by:



Kenneth B. Anderson
9422 Cedrus Drive
Midland, VA 22728-1714



COUNTY OF FAUQUIER
OFFICE OF THE COUNTY ADMINISTRATOR

PAUL S. McCULLA
County Administrator

10 Hotel Street, Suite 204
Warrenton, Virginia 20186
PHONE 540-347-8680 FAX 540-349-2331
E-mail: anthony.hooper@fauquiercounty.gov

ANTHONY I. HOOPER
Deputy County Administrator

CATHERINE M. HERITAGE
Deputy County Administrator

To: Planning Commission
From: Anthony I. Hooper, Deputy County Administrator
RE: Public Safety Training Facility Location
Date: August 18, 2008

The 25 acre tract of County owned property adjacent to the Corral Farm landfill is believed to be an excellent location for much needed facilities to meet the training requirements of County public safety employees. Important factors in selecting this location are the following:

- Property is owned by the County.
- Most of the property adjoining the site is also County owned thereby reducing potential negative impacts on neighbors.
- Site is accessible to public safety personnel.
- Previous more intensive County use of the site as the main entrance to the landfill was successfully accommodated.
- Site is naturally screened and will provide minimum impact on surrounding area.
- Existing facilities such as the old landfill entrance and storm water management ponds at the landfill make the site economical to develop.
- Access to the site can be controlled and monitored.

The County has also inventoried and assessed other County owned property and believes that this location is the most logical choice for the training facilities. It should be noted that other Counties have also located similar facilities adjacent to the landfill as the exhaustive process to locate a landfill has provided a good standard for needed public facilities in a location that is least impactful on surrounding properties.

Thank you for your consideration of this application.

established 1770
FAUQUIER COUNTY
250th ANNIVERSARY
celebrating 2019

CALL JESSIE DOYLE
AT 347-5286
FOR MORE INFORMATION

Kellert, Rebecca

From: Meade, Holly
Sent: Monday, September 29, 2008 9:11 AM
To: Kellert, Rebecca
Subject: FW: Noise complaint

Training file

From: Dorsey, Mike
Sent: Monday, September 29, 2008 9:00 AM
To: Atkins, Traci
Cc: Hushour, Andrew; 'mwhitmore@earthlink.net'; Meade, Holly; Hooper, Anthony
Subject: RE: Noise complaint

All ...

In order to open the County collection system by 7 am, containers are pulled early in the morning and contents delivered/dumped at the landfill so the containers can be returned. Otherwise, the sites couldn't open since residential vehicles cannot safely be in the sites with the roll-off trucks. This operation can't occur at night since the waste is required to have daily cover. In addition, landfill equipment is started, warmed up & often at work before 8 am. The noises could be either of these operations which occur every day excluding Sunday mornings.

Mike

Mike Dorsey
Director, Environmental Services
Fauquier County, Virginia
6438 College Street
Warrenton, VA 20187

mike.dorsey@fauquiercounty.gov
P: 540-347-6811
F: 540-341-7129

From: Atkins, Traci
Sent: Monday, September 29, 2008 8:26 AM
To: Dorsey, Mike
Cc: Hushour, Andrew; 'mwhitmore@earthlink.net'; Meade, Holly
Subject: FW: Noise complaint

Hi Mike,

I received the email below regarding machinery noise coming from the landfill around 6:30am. Can you help answer Ms. Whitmore's questions concerning any machinery that might be used early in the morning and the hours of operation for the landfill?

Thanks,
Traci

From: Meade, Holly
Sent: Monday, September 29, 2008 8:06 AM
To: 'Marcia Whitmore'; Atkins, Traci
Cc: 'Natalie Ortberg'; TomCarol@hughes.net; kbmconcepts@hughes.net
Subject: RE: Noise complaint

I am forwarding the complaint to Traci Atkins, Zoning Inspector with Community Development. At the Planning Commission worksession held last week Phil Myer stated that methane has no smell (which all of us were unaware of). However, I am forwarding your complaint and Zoning will contact you as to what course of action they can pursue.

From: Marcia Whitmore [mailto:mwhitmore@earthlink.net]
Sent: Monday, September 29, 2008 7:20 AM
To: Meade, Holly
Cc: 'Natalie Ortberg'; TomCarol@hughes.net; kbmconcepts@hughes.net
Subject: Noise complaint

Holly,

At 6:30 this morning, I heard the low whine of machinery starting up followed by a loud, concussive sound from the direction of the landfill. This was followed by a few additional concussive sounds. The sky is clear this morning, with only distant clouds and a small amount of ground-level mist.

When your windows are closed, you cannot hear the Monday am early rush hour traffic at this time, but you can hear these sounds.

This is the second or third time this month when I have heard such sounds before 7 am. I believe the previous date was 9/20 and the concussions occurred earlier.

I will continue to monitor this, but I believe this should be investigated. I would also like to know what the hours for equipment operation are at the landfill.

By the way, several of us last night smelled "that smell" that we associate with the methane pipes at the landfill as well.

Thank you.

Marcia

Kellert, Rebecca

From: Meade, Holly
Sent: Monday, September 29, 2008 8:07 AM
To: Kellert, Rebecca
Subject: FW: Noise complaint

From: Marcia Whitmore [mailto:mwhitmore@earthlink.net]
Sent: Monday, September 29, 2008 7:20 AM
To: Meade, Holly
Cc: 'Natalie Ortberg'; TomCarol@hughes.net; kbmconcepts@hughes.net
Subject: Noise complaint

Holly,

At 6:30 this morning, I heard the low whine of machinery starting up followed by a loud, concussive sound from the direction of the landfill. This was followed by a few additional concussive sounds. The sky is clear this morning, with only distant clouds and a small amount of ground-level mist.

When your windows are closed, you cannot hear the Monday am early rush hour traffic at this time, but you can hear these sounds.

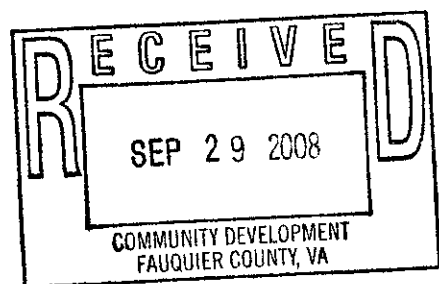
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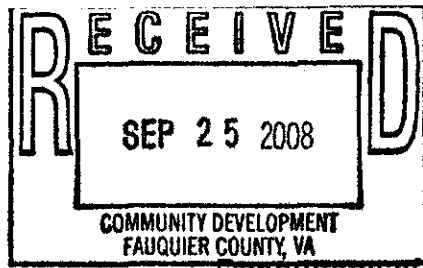
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By the way, several of us last night smelled "that smell" that we associate with the methane pipes at the landfill as well.

Thank you.

Marcia





24 September 2008

Department of Community Development
Planning Commission, Board of Supervisors
Warrenton Virginia 20186

Re: Special Exceptions & Comprehensive Compliance review (SPEX09-CR-002, SPEX09-CR-003, SPEX09-004 & CCRV09-CR-002) Safety Training Facility & Firing Range.

To all Relevant Parties to this decision:

I am following up my previous correspondences after meeting with the Planner, Holly Meade this afternoon. I was asked to formalize the questions we identified after fellow residents reviewed the recording of the Public Information Meeting from September 17, 2008. As a reminder, my husband, children and I live at 8595 Green Road, located at close proximity to this proposed Safety Training Facility and Firing Range. We have our farm and rental property on Green Road and our extended family owns land about half a mile away on Meetze Road.

In addition our previous letter asked some questions, which were explained to Holly. She expects to get back with us at the Public Hearing on Thursday.

1. The meeting discussion confirmed that this project is not generating income, only savings to existing budgets. We know the budget is \$1M currently, with another \$430,000 grant with a timeline and conditions. Two questions... How much money is being saved (in detail) by the expenditure of \$1.43 Million and in what time period are the cost savings to be realized? Since the grant referred to this particular site a year before you bought it or asked for this special exception, is the grant transferrable to another location? Is there a rush to spend grant money before the state reallocates budget?

2. When was this plan started? We were told a year ago, but not sure when the county started working on this. We would like to know, what was the exact date?

3. How much has been spent on this proposal? We are aware of the acquisition of land costs. What other costs have been spent and in what areas?

4. Where is the analysis of the other sites considered, as required per Article 5-1101, Additional Submission Requirements? The letter from Anthony Hooper on August 18, 2008 states that an assessment was performed on other County Locations, but doesn't give any details. What were the details of that assessment? Would the county agree to accept input from the community on options? Is it the county's plan to consolidate industrial uses adjacent to the landfill, on land that is Zoned Rural Agriculture? With county budget concerns, why does the county see the need to build

facilities when other shooting range facilities exist at (for example, but not exclusively) Warrenton Training Facility, Sterling, Chantilly, Prince William County, and commercial ranges, such as Range 82 in Midland? These were ideas identified by county citizens and represent just a few options to a significant capital expenditure at a time when the county is cutting budgets by ten percent. The county statement refers to County growth projections. Has the county generated revised growth projections in light of the significant downturn in the economy over the last two years?

5. Citizens asked about the old fire training site. The county stated that it had been considered, but didn't offer concrete details as to the technical reasons why it wasn't considered. What are the detailed reasons that this site wasn't considered?

6. Why is there no plan for an Environmental Impact Study? Clearly the Comprehensive Plan, Section 5-007 Conditions and Restrictions gives the responsibility of the Board to impose conditions, safeguards and restrictions for public interest. Public interest in the environmental impact is significant. The John Marshall Soil and Water Conservation District has stated that we have some valid concerns. It seems prudent and responsible to address any potential concerns up front.

7. When asked about water to the facility, we were told that 20,000 gallons of water would be driven in by trucks and long term plans for water would be addressed when classrooms were built. We were told there were options for town water. Aren't these type of concerns best addressed during the planning stage? What are the plans for permanent water access to this site? Is town water being considered for this location?

8. Analysis of the differences in conditions between Range 82 which were provided by the BZA and this proposal through the supposedly more stringent Planning Board are presented here.

Range 82 has Noise levels determined to be 75 decibels at the lot line, versus 90 decibels at the lot line for this outdoor range.

Significant baffling is included in the Range 82 conditions, but not in this proposal.

Range 82 is restricted to 75 patrons per day, but this site is setting limits at 100 persons per day.

Range 82 requires "no blue sky structures" but this proposal offers no protection conditions.

Significant testing and a quarterly testing for lead is required for Range 82, but only yearly for this proposal. Why is there a difference in frequency of testing when there are more persons potentially affected by water quality?

Range 82 is located in the middle of a much larger piece of property. Why is the county BZA requiring more restrictions on a commercial range with fewer neighbors within a one mile radius than this site with more than 150 residents within a one mile radius?

9. Why is this proposal allowing VDOT restrictions for entrance on a "Local collector" road where a "Major Collector" road is outlined in the Comprehensive plan? Up to one hundred patrons per day are allowed to use this facility. We are aware of VDOT testing of current traffic patterns on Green Road. If one hundred patrons enter and leave per day, this generates at least 200 trips on Green Road by county vehicles or trucks. Why does the Board think that this isn't significant?

10. Since the line of fire consists of projectiles with the potential to travel one to one and a half miles within proximity to more than 150 residences, why does the county feel that a red flag at the entry site is sufficient warning to residents that dangerous conditions exist? Shouldn't all citizens have the notification that dangerous conditions exist during shooting periods.


11. Citizens introduced concerns about Noise, its testing, certification and levels. We were told informal testing has been performed by county personnel. Were these tests done at maximum capacity of fourteen shooters at once? Previous questions about increased traffic generated noise were addressed. When the previous entrance to the landfill was on Green Road, what was the average number of accidents or safety incidents when the landfill entrance was on Green Road? Many persons couldn't think of reasons why Green Road needed to be the entrance instead of the Landfill entrance on Rt 29, including county personnel.

12. Mr. Jim Stone stated that our property values had already dropped, so further questions about the effects of this proposal on our property values wouldn't be researched. There are real estate appraisers who can provide expert testimony for a small fee. Why hasn't this been considered?

13. Why did the Board of Supervisors spend the money to acquire the lot, but is not willing to spend money on studies for impacts as requested by the Comprehensive Plan to minimize impacts in RA Land?

Due diligence has not properly analyzed such safeguards and restrictions for public protection and safety. These questions, and those previously asked, must be answered adequately prior to further Planning Board or Board of Supervisors action. To refuse this is to do great harm to the county and its inhabitants and open questions of county liability in the case of harm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Natalie Jeremiah Outley". The signature is written in dark ink and is positioned above the concluding text of the letter.

with significant inputs from neighbors on Green Road and questions generated at the September 17th Public Information Session.

Addressees:

Frederick P.D. Carr - AICF
Director
PHONE: (540) 347-8660

County Administrator
Paul McCulla

Tony Hooper, Deputy

Planning Board Members

10 Hotel Street, Warrenton, VA 20186

John Meadows, Chairman

Ann McCarty, Vice Chairman

Adrienne Garreau, Secretary

Jim Stone

Ken Alm

Holly Meade, Planner Community Development

Board of Supervisors

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Renee Andersen

Deputy Clerk
PHONE: 540-347-8648

cc/to:

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Richmond, Va. 23218

2

Delegate L. Scott Lingamfelter
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Chairman of the Board of Supervisors
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Bob McDonnell
Attorney General of Virginia
Office of the Attorney General
900 East Main Street
Richmond, Va. 23219.

Letters to the Editor
P.O. Box 631
Warrenton, Va. 20188

Kellert, Rebecca

From: Meade, Holly
Sent: Friday, September 26, 2008 1:38 PM
To: Kellert, Rebecca; DL-PLANNING COMMISSION
Subject: FW: Letter for the Planning Commission
Attachments: Planning concerns 2008_09_25 Final.pdf; 2008_09_25 concerns detail 1.0.pdf

From: Thomas E. Schmitt [mailto:tom@teschmitt.com]
Sent: Friday, September 26, 2008 1:28 PM
To: Meade, Holly
Cc: 'Tom & Carol (FGR)'; 'Carol P Childs'
Subject: Letter for the Planning Commission

Holly,

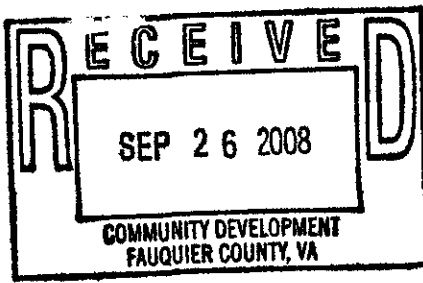
I would appreciate it if you could forward the attachments to the members of the Planning Commission. I will be putting hard copies in the mail, but since I'll be out of town for a few days I'd appreciate you getting this to them sooner vs when my hard copies will get there.

The first document "Planning Concerns 2008 09 25 final.pdf" is the cover letter. The other is an attachment.

Thank you for your help.

Tom.

Thomas E. Schmitt, Managing Director
Thomas E. Schmitt & Company, LLC
(O) 540-349-1390
(C) 703-927-4636
Tom@TESchmitt.com
Please visit us at TESchmitt.com



THOMAS E. SCHMITT

September 26, 2008

Members:
Fauquier County Planning Commission
10 Hotel Street, Suite 305
Warrenton, Virginia 20186

Dear Commissioners:

I would like to follow up on two issues from last evenings meeting.

First, enclosed please find a recap of most of the significant issues presented by the residents surrounding the county's proposed training facility. The reason some of the same issues were re-presented was because if the County moves forward with this action, there will be material code violations on the County's part. This fact, which very much involves land use, seems to be continually dismissed by the Commission. We do not see this as an inconsequential matter and want to be sure those responsible, and those that may become involved later, have a clear record of us pointing this out.

Second, and from a more constructive standpoint, some of the Commissioners made statements last night to the effect of "what other alternatives are available; we'd be open to hearing other suggestions." I would be happy to meet with some or all of you to understand why the option of a capital project-based bond issue cannot be considered. Capital projects are rarely able to be funded from operational budgets; bond debt service can be. Furthermore, with the county's history and future perspective of continued growth (which is also recognized in the Comprehensive Plan), I think a bond issue would be a very reasonable alternative.

Coupled with this, I would like to work with you to review what properties are available in I-1 and I-2 zoned districts. Perhaps there is a realtor that works with the county that could make all of us aware of what lots are on the market (in Fauquier and in neighboring counties) or likely soon to be on the market. While I believe in the past the County has been opposed to a bond issuance, I believe bond funding for an I-1 or I-2 capital project is a far better option compared to the consequences that accompany the items raised in the first point above. I'm sure there are many other budget & bond issuance related concerns; I'd be happy to explore these with you as well.

While I am on the road much of the week, please feel free to call me at any time if you are interested in meeting (Tom@TESchmitt.com, cell: 703-927-4636).

Sincerely,

Thomas E Schmitt

Digitally signed by Thomas E Schmitt
DN: cn=Thomas E Schmitt
Reason: I am the author of this document
Date: 2008.09.26 13:22:06 -04'00'

Thomas E. Schmitt

cc: Chester W. Stribling, Chairman of the Board of Supervisors, Fauquier County
Members: Board of Supervisors, Fauquier County

8697 GREEN ROAD • WARRENTON, VIRGINIA • 20187-7732
PHONE: 540-349-5384 • CELL: 703-927-4636

FRIENDS OF GREEN ROAD

OrthogonalPerspectives.com

Planning Committee Session

September 25, 2008

First and foremost, we want to thank all of our emergency responders for everything that they do for us and for always being there. We continue to be whole heartedly supportive of *what* Fauquier County is trying to accomplish but appalled at *how* and *where* The County is trying to accomplish it.

The following are perspectives from various residents from the area surrounding the site of the proposed facility:

Perspective Regarding Potential County Code Violations – Classification & Definitions Cited by the Commission:

1. We still firmly believe the *substance* of the county's planned use of this area constitutes, *specifically*, a category 17 type 2 facility and placing this training *factory* in an RA zoned district is a breach of zoning laws as described in my earlier letter and statements, despite the comments on your Fact Sheet resulting from the August 28 session.

We continue to refute the definitions the county is trying to employ as they focus only on limited aspects of the usage and only on selected *intangible more esoteric aspects* of this proposed undertaking. There is no question that the county should place this proposed factory in an I-2 zoned area as required by under Article 3 of its own zoning regulations.

As stated in the county's own zoning ordinance, "The Agriculture (RA) District regulations are designed to assist in *the protection and preservation of the agricultural uses and to mitigate land use conflicts between agricultural uses and appropriately limited residential development*". This clearly implies that more radical, outwardly offensive uses shouldn't even be considered. Furthermore, it is common practice in zoning regulations and long term land use management policy to cascade land use such that the use of land transitions from one type to the next; to avoid erratic and vastly contrasting uses of adjoining lands. Your own Comprehensive Plan even calls for "green belts" around transitional areas.

While *portions* of The County's planned educational aspects of the activity do fit a category 5 Type 4 and 5 descriptions, in the *entirety* of the planned use, the "technical school" description *does not* fit the essence and spirit of what's listed as category 5 operations. To the average citizen, beyond pre-schools, grade schools, high schools and colleges & universities, a technical school, indoor or outdoor, *might mean* a trade school for electricians, carpenters or even mechanics. But, for example:

- an outdoor firing range, especially one operating until late at night,

- up to 70 trips per day, *many by commercial size vehicles*,
- *outside* training props simulating propane tank fires and vehicle rollovers,
- an *outside* vehicle crash area,
- the periodic *sounding of extremely loud* air horns,
- a structural burn fire training building with *high level-lights*, and sometimes operating until late at night,

are reflective of an industrial use. Paragraphs 12 and 13 of Section 3-200 of the Zoning Ordinance of Fauquier County requires uses that have beyond “minimal environmental impacts” to be placed in I-2 zoned districts. *Our interpretation is focused much more on the tangible, outwardly facing aspects of what this factory would bring to our rural agricultural community. “You are trying to make a wolf look like a sheep”!*

As for the attempted label of “a public use category 11 facility”, if the intent was for a library, a park, a police *station*, a fire *station*, or possibly some *non-invasive* revenue subsidizing or cost abatement activity or structure, it might qualify. However, again the *substance and tangible impact* of The County’s intended use of this facility is nothing like this. The average, reasonable citizen does not see the items described above as category 11 items as defined in the code.

Even The County’s attempted label as a category 20 utility storage facility does not properly describe the *substance* of The County’s intent. While the facility does involve a water tower, it is not for the general use of the citizens of the community as the category 20 definition implies. Rather, the proposed tower is in actual fact, material storage solely for the use of the facility; this continues to more accurately describe a category 17 type 2 facility.

Perspective Regarding Potential County Code Violations – Issues Regarding Special Exception in an RA District Proposed by the Commission:

1. As required in Paragraph 1 of Section 5-006 of Fauquier County’s Zoning Ordinance, the proposed use being sought under a special exception shall not adversely affect the use of neighboring properties.
2. Section 2-406 Paragraph 5C of the County’s zoning code states that “the proposed development shall be sufficiently compatible in character and intent with the existing uses in the neighborhood that it will not significantly jeopardize or infringe upon the continuation of such existing uses. The conflicts and *potential*, therefore, between major residential developments on one hand, and sparsely settled rural areas, particularly intensive agricultural production operation on the other, shall be taken into account.” Clearly the intent in the county code is to protect and promote the continued and reasonable *un-encumbered* use of agricultural uses. This clearly places requirements on the county for ensuring *compatible land use in RA zoned districts*.

Furthermore, for RA zoned districts, not all agriculture use is the same and the county is bound to exercise responsibility in that regard. There is a *drastic* difference between how crops respond to increased traffic, abrupt loud noises and constant light pollution, and how livestock responds; especially horses used in thoroughbred breeding and horses regularly carrying riders. The County's planned use of this area is:

1. In direct conflict with local agricultural activities and thus in conflict with its own code,
 2. Poses a safety threat to residents and livestock, and
 3. Will cause an extreme financial hardship to many of the surrounding residents whose livelihoods are now severely threatened.
2. Also, as required in Paragraph 2 of Section 5-006 of Fauquier County's Zoning Ordinance, states "that the proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site." This includes pedestrian traffic both on foot and on horseback.

In the fact sheet provided by the county after the August 28 session, they referred to a recent VDOT traffic count of route 674 and that the anticipated increase in traffic due to this facility "won't have a significant impact." However, in this fact sheet response there is no definition to the term "significant impact". It appears that the VDOT traffic count simply resulted in an assessment of the potential impact on traffic control at the intersections of Beach road and Meetze road – that increased traffic won't require a traffic signal. It could also simply mean that the road surface is of sufficient strength to handle the added volume. It does not say that the road is of sufficient width to handle additional commercial traffic. It certainly makes no safety comment with respect to Green Road's numerous hidden driveways, sudden rises and narrow bends. These hazards do exist and they represent a previously recognized safety issue.

As a result of "permanently closing" State route 674 some years ago to routine commercial [landfill] traffic, the county recognized and, with the direct assistance and support of The Commonwealth, rectified an inappropriate use of that residential road. The county and the State at last solved a safety problem. Consequently, as a result, both the county and the Commonwealth have effectively acknowledged that "the dog will bite". Therefore, if the county does move forward with this newly proposed facility, and accidents from the resulting increased traffic do occur, "simple negligence" is no longer the liability "floor" for the county or The Commonwealth.

We believe this proposed action on the part of Fauquier County is a violation of its own code and results in a significant legal and financial risk to the county and Commonwealth.

Perspective Regarding the Lack of Rationale for Site Selection:

As far as the location, in addition to being in the improper zoned district, you have argued that other counties put facilities like this on next to the land fill. There are some serious problems with this *Post Hoc* argument you are trying to make. *A post hoc statement is a logical fallacy, but gives the impression of being valid.*

You are trying to say that because others put *outwardly offensive operations* such as these next to their landfill, that this is a good location for your proposed *factory*. The problem is the *implied assumption* that the landfill is in the right location to begin with. Well, putting a landfill next to one of the most densely populated areas in the county and in an RA zoned district makes your implied premise *false*. The landfill is not in a good location so your attempted rationalizing regarding the training facility is wrong.

1. When questioned about the property search performed by the county in determining where to propose locating this *factory*, in a letter dated August 18, 2008, Anthony Hooper stated that a thorough review had been performed of all inventoried properties before selecting this one. Two relevant *points of order* with respect to this:
 - a. If the review had been performed over the preceding months as the letter implies, it's interesting the letter is dated the same day that the deed of the last parcel was recorded. *This also seems to point toward some sort of post hoc conclusion.*
 - b. Secondly, your property search was limited to *existing* properties. The county would not view this as an acceptable alternatives study from any other business or developer. If a contractor tried to *back into* a facility location based on *"this is what is in my inventory"*, the proposal wouldn't even be considered and you would see through his/her twisting of zoning category and type definitions as a means to try and push it through.

The question at hand is that of a double standard and the selective application of the process. In a larger sense, it's still a matter of *what's right for the area* and *what county and state laws apply*, and *if they apply to everyone?*

2. Other factors point to when the Board drew a conclusion regarding this site: S.W. Rogers has already been selected and engaged for the site work. Trees are already being designated for removal. We have heard other "requests for proposal" have already been issued and in some cases, additional contracts have already been let or are about to be let. It seems that this process of *"soliciting our input"* is just window dressing. We are beginning to copy the Commonwealth's attorney's office regarding some of our issues.
3. If this is the due diligence the county has exercised in the selection of this site, then what due diligence can we expect in its future oversight and expansion planning? All of which is inconsistent with VA code, county zoning ordinances, and the county's Comprehensive

Plan. How can you control how often the other counties use this regional site? What comes next on this site? You say usage will be minimal, but a company doesn't build a factory with the intention of under-utilizing it. No one runs an enterprise with the intention of operating it a less than full capacity - especially where the ability to generate revenues is concerned. It's clear this is more than a training facility. It's a **money making enterprise** for the county. It's a revenue mill much in the way other counties in Virginia sold space in their landfills - once it starts and the county's budget becomes dependent on it, it grows.

4. Accountability indeed matters in our society. The County's placement of large obtrusive facilities such as these in inappropriate areas erodes confidence. It cripples the ability to grow the county's tax base in the longer term because those contemplating living or doing business in the county see that the rules are selectively applied. An expanded tax base is critical to growing county revenues on which teachers', sheriff deputies', & other public employees' salaries, and other operating budget items depend. Providing for the development of a solid tax base is part of the county's Comprehensive Plan. Steps such as these serve to undermine it. Citizens beyond the Green Road area are already outraged at the county expenditure of \$1M on a controversial project like this at a time when it is cutting \$4M from its budget. And mind you, ***most of the controversy isn't due to the end objective, it due to the proposed location and accompanying tactics executed by the county.*** Money spent to date could have gone to purchasing property in the proper location.

Perspective Regarding Potential Comprehensive Plan and Related County Code Violations:

1. Section 1-200 of Fauquier County's Zoning Ordinance requires the county "to implement the adopted Comprehensive Plan for the orderly and controlled development of the County...." Paragraph 1 of Section 5-006 of Fauquier County's Zoning Ordinance states that the proposed use being sought under a special exception shall be in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. Complying with the Comprehensive Plan is not an ***option*** - it's a ***requirement***. The Comprehensive Plan is more than a guideline. It's the foundational land management strategy.
2. Chapters 1 and 8 of the current Fauquier County Comprehensive Plan make it clear that the preservation and enhancement of the rural areas and preservation of the agricultural economy in Fauquier County have consistently been major goals of the County.
 - Goal two of the recently adopted Comprehensive Plan (1992-2010) states that "it is the goal of the County to recognize the County's traditional agricultural and rural character and the need for the preservation of its open space and scenic beauty".
 - Goal three states that it is the County's goal "to protect critical environmental resources and maintain renewal of natural resources so that they are not degraded but remain viable for future generations"; and

- Goal four states that “the County is to protect and promote the agricultural industry”.

Chapter 8, the section dealing specifically with rural land use planning, describes the programs and policies needed to address the following four key plan objectives:

1. Encourage Farming;
2. Direct growth to designated Service Districts;
3. Protect environmental, cultural and visual resources; and
4. Provide strict controls over all new development in rural areas.

Chapter 8 states that if the rural areas in the County are to be maintained, agriculture and the agricultural based economy must be sustained and enhanced... agriculture must be anchored in laws and governmental policy that... channel commercial and industrial facilities into those areas that do not conflict with the conduct of agricultural affairs.

It also states that if farming is to continue now and in the future as a serious productive economic activity within the Rural Agricultural (RA) and Rural Conservation (RC) zones, it should be protected from the influx of incompatible farm uses and shielded from growth *including public infrastructure*.

Chapter 8 of the plan goes on to call for the county to continue to encourage and direct growth and development into the service districts. There are approximately 2,880 acres of industrially zoned land in Fauquier County. The majority of the industrially zoned land in the County is located in the service districts. **Therefore, there are alternative sites that the count should have, and still should, consider locating this facility.**

3. Chapter 8 also discusses the importance role of the county in protecting the environmental, cultural and visual resources in the county; resources the county recognizes as being held as “so special” to the people of the county. In this section, the Comprehensive Plan states to protect these vital resources, additional measures need to be undertaken by the county. This matter was further underscored in the plan by State Delegate Tayloe Murphy Simply stated, the law of the commons decrees that:

“If each user of a finite resource follows his natural tendency to maximize his benefit from the resource, the combined effect of these individual *and seemingly rational actions will destroy the resource*. With this law at work, the public has no choice but to demand a rational system that regulates uses to protect and perpetuate the commons that is theirs...”

It seems to me, the county trying to locate a facility such as this in an RA zoned district is far from “additional special measures.”

The Comprehensive Plan’s summary states “Fauquier County has undertaken an extensive review of its rural planning policies and procedures and a number of refinements are

recommended. This chapter has organized the changes around four objectives which are to: 1) Encourage farming; 2) Direct growth to the Service Districts; 3) Protect environmental, cultural and visual resources, and 4) Provide strict controls over all new development in rural areas.”

The county’s current requested special exception is completely contrary to this. What good is a strategic plan if you don’t follow it? What do you call it if you don’t follow it, but are required to by the County Code?

In keeping with the county’s own code and its Comprehensive Plan, it is clear to me that the county should locate this category 17, type 2 facility in an industrially zoned district.

Perspective Regarding Environmental and Local Use:

We have a number of environmental related concerns with respect to the actions the county is trying to take.

1. There is an absence of requisite environmental studies: those required by county code and those required where shooting ranges or other projects involving hazardous materials are involved. The EPA also requires methane seepage related studies where unlined landfills are in close proximity to lots being considered for any form of development.

To protect RA areas and natural resources, Fauquier County’s Comprehensive Plan recommends extensive site analysis to assess primary site resources & potential negative impacts before any major work or development is undertaken. This commitment is to protect scenery as well as rural life and agriculture. Not only should this be done, and made public to the citizens, because the county supposedly self-imposes it, but because

- There have been Bald Eagles and other protected species have been spotted inhabiting the area being considered by the county.
- This particular site has a history of water contamination by the county. Also, John Marshall Soil and Water Conservation believes we have valid concerns due to water and soils issues and we are aware that the director has raised them to county officials. We are *not aware* of any actions the county took as a result of this.
- The longer term plan of the county for using this site could place serious stress on the ground water supply and the area’s ability to handle the septic discharge.
- This is potentially a watershed area for the Chesapeake Bay and, because of the activities proposed for the site, there are likely additional study requirements on the county.

2. Impact on local farms and home-based professional businesses – count from chart

3. There are 47 horses in the immediate area, and 6 businesses are run out of the homes. Two are horse breeding and foaling, training and riding businesses. Trainers also bring additional horses to the farms while schooling them to enhance their owner's performance/enjoyment. This proposed county training *factory* being allowed to operate here will likely mean that these horse farms will go under. The noise, light, and other byproducts are so incompatible with the agricultural activities of breeding, boarding and training, that there is a extremely high likelihood that the county's actions will destroy at least the two horse farms. There is also a high likelihood that some of the 4 professional business will have to needlessly expend resources to relocate and try and stay in business.
4. The county's Comprehensive Plan makes commitments to the VA Outdoor Foundation and encourages volunteer participation with other "agriculturally friendly organizations" such as those responsible for producing the **2008 Destinations Plan: Fauquier-Warrenton Bicycle and Pedestrian Loop Completion Master Plan, September 8, 2008**: This Plan was prepared under the guidance of the Town of Warrenton, Fauquier County, the Rappahannock-Rapidan Regional Commission and the Virginia Department of Transportation.

The study recognizes that benefits of walking and bicycling extend to the entire community and the demand for walking and bicycling options in Warrenton and Fauquier County is strong, as demonstrated by the more then 70,000 users of the Warrenton Branch Greenway every year. This Plan is meant to meet this demand, by promoting walking and bicycle as a viable transportation alternative. It does this by identifying important destinations throughout the community and highlighting opportunities to link them together through a network of connected pedestrian and bicycle facilities.

By presenting practical near-term recommendations and a long-term vision, this Plan seeks to increase access to destinations, making walking and bicycling realistic and comfortable transportation choices and improving quality of life for all residents.

Many of Warrenton's walking, biking and horse trailing paths go very near this proposed site. By opting to put this facility in this RA district, the county's proposed actions is undermining its own commitment to this form of outdoor recreation and support to RA zoned districts.

Perspective Regarding Commonwealth Code Violations:

Since the last session, I understand what seemed a county issue is actually an issue with which the Commonwealth of Virginia needs to become an active participant. I say this for many reasons.

1. One of the positions taken by the county in its presentation at the August 28 hearing regarding the facility *was based on just eight words from the 107 carefully crafted words contained in Section 15.2-2200 of the Code of the Commonwealth of Virginia*. The Commonwealth's paragraph is to be applied in its totality and with balance. The phrase "the efficient and economical use of pblic funds" cannot be taken

out of context nor seen as superseding the other phrases; *it should not be trumpeted as if it was an elastic clause*. It has become clear to us that The Commonwealth also needs to become involved to safeguard the application of its legislative intent.

2. This proposed project involves multiple Virginia counties: Fauquier, Rappahannock, and Culpeper. Consequently, the Commonwealth appears to have some responsibility for inter-county, regional activity oversight as I believe *the Commonwealth is a partner in the liabilities being created*.
3. In March of this year, Virginia received the highest score issued in the US Government's "Grading the States 2008" report of how well each state serves the public. Components of the assessment included *long term planning & budgeting, infrastructure management, strategic direction setting and managing performance*. *This may further indicate why the Commonwealth may be interested in undertaking an active role in evaluating the appropriateness of Fauquier County's actions* - to provide less biased perspective and to help ensure the Commonwealth's reputation of balanced and long term-focused fiscal administration is maintained.
4. This proposed project involves a grant from the Virginia Department of Fire Programs. This grant has clear *requirements* and *operational restrictions*. In reviewing the grant application and related documents, the county may have committed some *"errors and omissions"* when completing it. One example is that the county stated in May of 2007 that the property was already secured, but it wasn't. It was not secured until June 2008. Either the county was in error OR it had long ago made its mind up as to what it was going to do despite what's being presented to us. To protect the integrity of our county's representatives, we plan to communicate with the Virginia Department of Fire Programs to be sure any confusion is cleared up regarding this and other misstatements we may find.
5. It is clear that there is a disagreement between the citizens and the county government in the interpretation in numerous *critical aspects of the county and The Commonwealth code*. Just because, at this point in time, the *county has the authority to "make" the decision, it doesn't mean that it is the "right" decision*. The Commonwealth is in an excellent position to help objectively weigh these factors and the liabilities they might bring about.

It seems to us, there are a couple of possible courses of actions for the county to take from where we now stand:

- a. First, quite simply, *the county could just do the right thing* and select a more appropriate site in an I2 zoned district. *There are approximately 2,880 acres of industrially zoned land in Fauquier County*. I believe this will not only be the right thing to do, but will be less expensive for the county in the long term.

- b. Because this is a state issue as well, Fauquier County should request the Commonwealth's Attorney General, or some other objective party, to become an active participant. Obviously, the county can see there is clear conflict around the interpretation and application of county & Commonwealth code. *This would also give Fauquier County the opportunity to show that this series of meetings isn't just a charade; just merely checking off the box to say you complied with a required step.* If you are *genuinely* seeking the input, then please have the good judgment to react to what you are hearing from us the citizens. Even if you believe the county's position is a correct one, given the amount of conflicting positions being presented, and based numerous citings of county and state code, *don't dodge the light of day.*
- c. The role of the courts is to interpret the law and settle disputes such as these. This is the more lengthy, time demanding and costly alternative. However, the *staggering financial and emotional impact* on the residents surrounding the proposed Green Road *factory* is of sufficient significance, *that we are prepared to pursue this alternative if necessary.*

Joint Conclusion:

We urge the county *not* to approve this requested action. We urge the county to follow the spirit and letter of its own code. We urge the county to embark upon a longer-term, more rational capital plan *to secure the appropriate property in the appropriately zoned district* to achieve this much needed and valuable objective. We urge the county to not approve this propose Special Exception; don't set us all on the more costly path that the judicial process typically entails.

Post Scripts:

#1

Not too long ago one of the neighbors was constructing a run-in shed directly on the line between two properties. The zoning ordinance in this area requires a 100 ft set-back for run-in sheds. When the issue was raised to his attention and there was a request for him to honor the set-back, he agreed and moved the shed. He did this not because it was easy, not because there was no cost involved, but because *it was the right thing to do.*

#2

In early 1968 during the Tet Offensive, one of the fiercest battles during the war in Vietnam took place in a beautiful city called Hué – Hué was the educational and cultural center of South Vietnam.

The battle for Hué was a relentless fight, progressing slowly block by block with endless heavy artillery fire and street fighting. In the end, the US and ARVN forces accomplished their objective of securing the city, of securing the property using force – the only alternative

at their disposal. However, the victory came at a great price. As Marine Captain Myron Harrington put it: "*Did we have to destroy the town in order to save it*"?

Regarding the objective of constructing this facility and the benefits it will bring, Fauquier County cannot afford to act out of expediency. There *are* other alternative means to accomplish the objective. ***Don't let the end try and justify the means.*** Don't destroy the trust of your constituents for a benefit that can be attained in a different, better and legally & spiritually compliant way.

To Holly

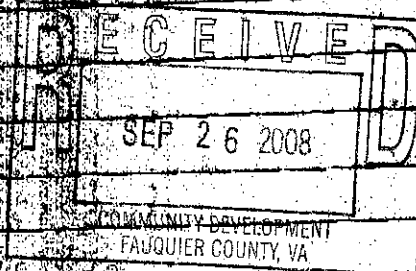
I vote NO to the
shooting range.
It is a disgrace in
RA

Avery King

Xiang King

9253 Green Rd
Warrenton, Va.

20187



Kellert, Rebecca

From: Meade, Holly
Sent: Thursday, September 25, 2008 4:08 PM
To: Kellert, Rebecca
Subject: FW: Landfill and lead testing

From: Dorsey, Mike
Sent: Thursday, September 25, 2008 3:53 PM
To: Meade, Holly
Subject: FW: Landfill and lead testing

Holly,

I'm forwarding an earlier email concerning stormwater. I confirmed the landfill stormwater management requirements ...

- a. Sampling is done on an annual basis from a discharge (no discharge = no sampling)
- b. Only total sediment and total iron is presently sampled from the pond adjacent to the proposed firing range
- c. The landfill General Permit will be renewed on July 1, 2009. Lead (and other critical parameters) would be added if the firing range is constructed.

As stated below, I think the design & monitoring requirements of a firing range at this location are unique. This is true to protect the ground water but also to prevent additional unnecessary corrective action at the landfill.

Please let me know if you would like to discuss further.

Thanks,

Mike

From: Dorsey, Mike
Sent: Wednesday, August 27, 2008 8:27 AM
To: Kilanski, Jennifer
Cc: Hooper, Anthony
Subject: RE: Landfill and lead testing

Good Morning Jennifer ...

Before we can use the landfill stormwater pond, we'll need to modify our permit as well as our stormwater pollution prevention plan. Baseline testing will be part of this process. To coordinate, I'll need to know the design, construction & operating plans/schedules to coordinate.

Thanks,

Mike

From: Kilanski, Jennifer
Sent: Wednesday, August 27, 2008 8:11 AM
To: Dorsey, Mike

Cc: Hooper, Anthony

Subject: Landfill and lead testing

In the past we have discussed adding lead testing to the pond that is adjacent to the proposed safety training facility. I think it would be a good idea to get a base line lead test before any drainage is added to this facility. How difficult and expensive would it be to add this test during your next scheduled testing of this pond? Jennifer

Kellert, Rebecca

From: Meade, Holly
Sent: Thursday, September 25, 2008 3:42 PM
To: Kellert, Rebecca
Subject: FW: Objection to County Firing Range and Burn Facility

From: Ken McNeill [mailto:KenMcN@Leibnitz.com]
Sent: Thursday, September 25, 2008 3:33 PM
To: Meade, Holly
Subject: Objection to County Firing Range and Burn Facility

Dear Ms. Meade,

I am a 22 year resident of the County and until 3 years ago lived about 2 miles south of the site of the proposed County facility development for the preceding 19 years. Hence, I can justifiably claim extensive knowledge of the area.

In my past I have worked for the Special Branch of the New South Wales Force in Australia and served with Australian Forces in Viet Nam in 1971. Thus, I can also reasonably claim familiarity with weaponry and the need to ensure that staff are adequately trained.

I fully support the requirement that County Emergency Services employees have adequate training facilities but question the choice of location. It is not obvious from the information I have been able to gather to date that the proposal currently being considered is anywhere near adequate in terms of safety of the surrounding populace, nor is it obviously cost effective.

Accordingly, I request that the County, at a minimum, place the matter on hold pending the availability of more information including an ecological impact assessment study.

Best Regards,

Ken McNeill
Director
Office: 571-921-4425
Fax: 703-738-5932

VOTE NO ON THE PROPOSED SHOOTING RANGE AND TRAINING FACILITY
ON GREEN ROAD. FAX TO COUNTY PLANNING COMMISSION AND CALL
YOUR COUNTY SUPERVISOR. SIGN WITH YOUR NAME AND ADDRESS
TO PLANNING COMMISSION ATTENTION HOLLY FAX TO 347-6982

COME TO MEETING IF YOU ARE ABLE TO SPEAK OUT AGAINST THIS
PROPOSED FACILITY PLEASE FAX THIS RESPONSE IF YOU CAN'T
ATTEND AS SOON AS POSSIBLE.

Attm: Holly



WE VOTE NO!

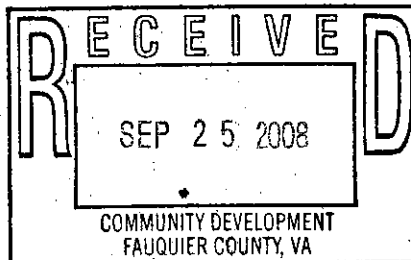
Morgan

~~M. LUNCAN~~

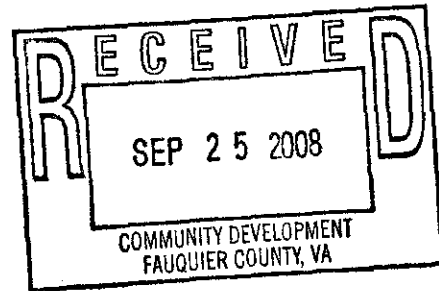
MORGAN C. DUNCAN

6319 JORDAN DR

WARRENTON, VA 20187



**The Black Horse Inn
8393 Meetze Road
Warrenton, VA 20187
(540) 349-4020**



25 September 2008

To the Planning Commission:

Reference: Special Exceptions & Comprehensive Compliance Review (SPEX09-CR-002, SPEX09-CR-003, SPEX09-CR-004 & CCRV09-CR-002) Safety Training Facility & Outdoor Firing Range

Dear Sirs:

First we offer our support to the Fauquier County Sheriff and Fire Services with their need for training. However, **we are opposed** to the selection of the Green Road (Route 674) site for the proposed facilities.

The Black Horse Inn has wedding and events weekdays and on weekends. Our clients will not find repeated firings of pistols, rifles and shotguns, as well as the blaring of air horns, droning of diesel engines and other power equipment, and the sight and smell of smoke incompatible with bucolic stay in the countryside. Further, the residences of the Mauro Family, including The Black Horse Inn and homes that have been in the family for over 50 years on Meetze Road will be adversely affected.

According to Section 5-006 General Standards for Special Permits and Special Exception Uses, "***The proposed use shall be such that it will not adversely affect the use or development of neighboring properties.***" The proposed facilities for this location will definitely adversely impact all surrounding properties; and, because of the nature (**repeated gunfire by up to 12 to 14 officers at one time**) of some of the activities, these **adverse impacts will reach out in all directions at least two miles.**

We urge the Board of Supervisors to stop this inappropriate Special Exception now!

Respectfully Submitted,

Mr. and Mrs. James Mauro
Black Horse Inn
8393 Meetze Road
Warrenton, VA 20187

Mr. Bernard F. Mauro
8437 Meetze Road
Warrenton, VA 20187

Ms. Pam and Bill James
8545 Meetze Road
Warrenton, VA 20187

9/25/08: Ken McNeil is opposed
to the Safety Training Facility
& shooting range.

- RR

Meixner, Meredith

From: Black Horse Inn [relax@blackhorseinn.com]
Sent: Thursday, September 25, 2008 12:45 PM
To: Meade, Holly; Meixner, Meredith
Subject: Comments on the Proposed Firing Range
Attachments: Comments to County on Firing Range.doc

Dear Planning Commission:

Please find our comments, and the comments of our family living on Meetze Road attached for tonight's meeting. Thank you.

Respectfully submitted,

Mr. and Mrs. James Mauro
Black Horse Inn
8393 Meetze Road
Warrenton, VA 20187
Phone: 540 349-4020
www.blackhorseinn.com
relax@blackhorseinn.com

**The Black Horse Inn
8393 Meetze Road
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25 September 2008

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Warrenton, VA 20187

Mr. Bernard F. Mauro
8437 Meetze Road
Warrenton, VA 20187

Ms. Pam and Bill James
8545 Meetze Road
Warrenton, VA 20187

PK

much it will cost to build this facility.

They are concerned about how

Facility and shooting range.

Opposed to the Safety Training

9/25/08: Nancy Tarr and Tim Tarr are

Kellert, Rebecca

From: Meade, Holly
Sent: Thursday, September 25, 2008 7:44 AM
To: Kellert, Rebecca
Subject: FW: Requet for additional information re Green Road training project

For file

From: Marcia Whitmore [mailto:mwhitmore@earthlink.net]
Sent: Thursday, September 25, 2008 12:34 AM
To: Meade, Holly
Cc: 'Lee Ann (FGR)'; 'Ken/natalie Ortberg (FGR)'; 'Thomas E. Schmitt (FGR)'; 'Tom & Carol (FGR)'; 'Mike Mason (FGR)'; rstammler@gmail.com; 'Marcia Whitmore (FGR)'
Subject: Requet for additional information re Green Road training project

Holly, The following is from the 2/28/08 planning minutes. Items were requested there that I don't believe were in the public files, if I am not mistaken. Can you please provide at your earliest convenience? Thanks. Marcia 540.349.4370 (Thursday 9/25 only)

Public Safety Firing Range and Fire Training Facility – Located near the former Green Road landfill entrance, the project offers improvements over current facilities. A special exception permit will be required once the project moves forward from the planning process. An additional eight acres has been purchased by the county for approximately \$220,000+/- . Mr. Nyhous expressed concerns with architectural and engineering costs and requested that lease revenue bonds be explored as a funding option. Mr. Hooper noted that some funding had been identified in the fiscal year (FY) 2008 budget.

Items requested: Line item budget; sources and uses of funds; payback analysis

Center District

ATTN: Holly
VOTENO.
=

Hearing will decide training center fate on Thursday night

By Don Pat Koss

The county planning commission will hold a public hearing on a proposed site for a public safety training center on Thursday night.

The commission's nearly hour-long August hearing drew 22 speakers, 18 of whom opposed the project.

The hearing will resume at 7 p.m. Thursday, in the Warren Green Building at 10 Hotel St., Warrenton.

Fauquier's board of supervisors, which owns the proposed 18-acre site adjacent to the county landfill, wants special-exception permit approval to construct a gun range and burn building to train local public safety workers.

After Thursday's hearing, the planners probably will make a recommendation on the proposal to the commission.

Those potential effects could endanger their lives and diminish property values, they told the planners.

Planning Commissioner Jim Stone (Cedar Run District) helped organize informational meetings for neighbors to learn more about the proposed site. The proposed site would generate noise and possibly erupt from controlled burns, and cause traffic.

Those potential effects could endanger their lives and diminish property values, they told the planners.

Planning Commissioner Jim Stone (Cedar Run District) helped organize informational meetings for neighbors to learn more about the proposed site.

See CENTER, Page A3

CENTER

From Page A1

proposed center.

The first took place last Wednesday at the Warren Green Building. About 30 people attended the meeting.

County county staff, including public safety representatives, explained the project in detail and took audience questions.

The county also met neighbors at the proposed site for a tour and further discussion on Monday.

But apparently some neighbors remain strongly oppose to the site.

A full-page advertisement in this edition of the *Times-Democrat* lists their concerns.

Opponents also had planned a Tuesday afternoon meeting with placards outside the post office on Warrenton's Main Street.

In other matters Thursday night, the commission will hold public hearings on special-exception permit requests from:

- **Travis Inc.**, which wants approval for a retail nursery for a new store on Route 29 near Cadott.

- **Meadows Farms Nursery**, which wants approval to continue to operate a retail nursery in a rural zone and to display materials in a floodplain. The nursery is on U.S. 29 near New Baltimore.

E-mail the reporter: ddel-ross@timespapers.com.

I VOTE NO!

Do not PASS THIS
IN THIS LOCATION. NO

JON WHICHARD

CENTER DISTRICT

8178 POPPIL GROVE RD

LAPR 5/01 VA 20182